

Enforcement

11.1 Introduction

DNR Forest Practices staff, forest landowners, timber owners and operators are all responsible for ensuring that on-going forest practices activities comply with the Forest Practices Act, rules, and the condition(s) of the approved forest practices permit. Region forest practices staff prioritizes compliance visits based largely on the potential risk to public resources posed by the forest practice activities. For example, forest practices that propose substantial road construction in steep terrain above a public resource are more likely to receive regular compliance visits than those with limited road construction on gentle slopes without public resources nearby. Generally, prioritization of these visits coincides with the class of forest practice. There are 4 classes of forest practices. Class I has the lowest possibility of impact on public resources and does not require a forest practices application. Class II, III, and IV have progressively increased possibility of impact on public resources. Class III and Class IV forest practices typically receive more frequent compliance visits than Class II forest practices. Other factors that influence the number of compliance visits include timber harvest operator experience, proficiency and the time of year the operation is conducted. This targeted approach helps DNR ensure the effective and efficient use of field staff when carrying out resource protection responsibilities. Compliance checks are used to identify the level of forest operations in compliance and the information gathered is used towards the goal of continual improvement. Improvement to the program may include clarification of rule language, improved administration of the rules, additional education and training, and/or rule modification.

The Forest Practices Act and the Board encourage informal, practical, result-oriented resolution of alleged violations and action needed to prevent damage to public resources. It is also Board policy to use a progressive approach to enforcement that begins with consultation and voluntary efforts to achieve compliance while reserving civil penalties (i.e., monetary fines) for more serious infractions. When forest practices are found to be out of compliance with the rules, DNR has a number of compliance and enforcement options available. The options that are currently used include informal conferences, notices to comply, stop work orders, civil penalties, and notice of intent to disapprove. Less commonly used enforcement include criminal penalties, technical assistance compliance notices, notices of correction and corrective actions.

11.2 Enforcement Activity (June 5, 2006 – June 30, 2007)

The following table presents the enforcement activity between June 5, 2006 and June 30, 2007. In general, there were a total of 6533 FPAs reviewed and approved from June 5, 2006 through June 30, 2007. During this time there were 201 Stop Work Orders (SWO) and Notices to Comply (NTC) which is 3% of the total FPAs. Only 179 enforcement actions of the 201 were for violations or approximately 2.7% of total FPAs. Enforcement documents can be used for either violations; or for non-violations as a way to document a change in plans.

This year DNR developed an additional form for non-violation enforcement documents in order to create a more structured way of accepting, processing and authorizing amendments to an approved FPA. The result is a much lower count of non-violation enforcement actions documented on traditional enforcement documents than have been seen in the past. DNR employed 66 people who participated in the enforcement effort during the past year.

ENFORCEMENT ACTIVITY

Fiscal Year 2007 Stop Work Orders and Notice to Comply

FY 2007	Stop Work Order		Notice to Comply		Total
	Non-Violation	Violation	Non-Violation	Violation	
Region					
SE	1	4	1	7	13
NW	0	9	5	24	38
SPS	1	8	7	11	27
NE	0	17	1	48	66
PC	0	6	0	31	37
OL	0	0	6	14	20
Total	2	44	20	135	201

Fiscal Year 2007 Enforcement Data

<u>Interest</u>	<u>Number</u>
Total Number of FPAs	6533
# of DNR staff participating in Enforcement	66
Total Number of Enforcement Documents	201
Percent (# Enforcement/Total FPAs)	3%
Total Non-violations	22
Percent (# Non-violations/Total FPAs)	0.3%
Total Violations	179
Percent (# Violations/Total FPAs)	2.7%

A very low percent of the violation enforcement documents go on to secondary enforcement such as a civil penalty or Notice of Intent to Disapprove. This year the percent of enforcement documents that went onto secondary enforcement was approximately 3% (five enforcement documents out of 179 total violations).

Fiscal Year 2007 Secondary Enforcement Documents

Region	Number of Civil Penalties	Number of Notice of Intent to Disapprove
SE	0	0
NW	0	0
SPS	1	0
NE	1	0
PC	3	0
OL	0	0
Total	5	0